10/22/69

SERIALIZATION OF EXCERPTS FROM THE BOOK

The Garrison Case

A Study in Abuse of Power

By Milton E. Brener

THE EXACT TIME of the rebirth of Garrison's interest in the assassination is hard to determine with any degree of precision. Much has been made of a conversation alleged to have occurred in November, 1966, between Garrison, United States Sen. Russell Long of Louisiana, and a wealthy New Orleans businessman named Joseph Rault. Supposedly, while en route to Washington, the trio, fellow passengers by chance, discussed the Warren Report. All three were skeptical.

It is practically certain that by November Garrison had already begun to take note of the mounting vocal public dissatisfaction with the Report's conclusion and with the by now popular cliche that "one man could not have done it alone."

Certainly by November he had already taken note of the fact that Oswald had been in Dallas less than two months at the time of the assassination. For the previous five months, Oswald had been in New Orleans and Garrison meant to inquire into the activities of Oswald while in "my jurisdiction." Garrison set out to determine whether there was a conspiracy hatched during that period. To many who know him, it is not surprising that he found that there was.

He first immersed himself in the growing body of literature on the subject, not only the Warrent Report, but also the volumes of the critics.

Before he was through, he was to tilt at windmills in such realistic fashion that Sancho Panza himself would have taken them for giants.

GARRISON quickly concluded that Ferrie was a key factor in the assassination. Obviously, he knew Oswald and had plotted the assassination with him. The true purpose of his trip, namely, some planned participation in the assassination, would have to be established, and the identity of those who knew this purpose and knew the exact nature of Ferrie's role in the plot were in turn known to the DA. It was now a matter of extracting the truth.

In late November or early December, Alvin Beauboeuf was asked to come into the DA's office where he was again questioned about the details of the trip to Texas. Beauboeuf obliged. They had gone ice skating and hunting, he repeated. He knew nothing about the assassination or any other involvement of David Ferrie. Beauboeuf was questioned repeatedly by the DA's office. Then the investigators started coming to his home.

One of a Series

TO READERS: These installments comprise excerpts from the book to which we are limited by our serialization rights. Through necessity, the description of events and the characterizations are not as full as those in the complete book.

Martens, too, was called back into the office to "complete the file." He was asked again about Ferrie, his acquaintances and his activities, about Martens' own involvement in them. He responded freely. He did not know Oswald and had never seen him in company of Ferrie. He was asked to take a lie detector test and readily agreed. The New Orleans Police Department polygraph operator advised the DA's office that he found no evidence of deception. It didn't matter. Obviously, Martens was lying.

In the meantime, there was another starting point—a short, rotund, black - haired, jovial, wise-cracking 44-year-old lawyer. His name was Dean Andrews.

In May of 1963, Lee Harvey Oswald, according to Andrews, appeared in Andrews' office. He was with some "gay" kids. They were "Mexicanos," says Andrews. He declares he saw Oswald three to five times thereafter over the next few months and that Oswald usually had one particular "Mexicano" with him, a "gay" kid with a "butch" haircut.

He says that he assumed that Oswald had been sent by a French Quarter bar owner of many years acquaintance who frequently referred "gay" kids to him for legal services. The name of the bar owner was Eugene Davis. Circumstances strongly suggest that Andrews may never really have laid eyes on Oswald.

The day after the assassination, Andrews was confined in a New Orleans hospital, Hotel Dieu, under sedation undergoing treatment for pneumonia. He thought of the fame and glory that would be his if he could represent the man charged with committing the crime of the century. He received a call from his friend, Eugene Davis. He certainly would like to represent Oswald, said Andrews. Andrews is not certain Davis replied at all. If he did, it was with a vague and offhand remark to the effect that he would see what he could do.

The following day, still hospitalized, Andrews called an attorney friend, Sam "Monk" Zelden. "I may get to represent Oswald," said Andrews. Later in the conversation, Zelden asked Andrews to hold the phone while he investigated the cause of a disturbance at the scene

Serialization by permission of Clarkson N. Potter, Inc. From the GARRISON CASE—A study in the Abuse of Power—by Milton E. Brener. Copyright, 1969 by Milton E. Brener.

being shown on his television set. A moment later, Zelden advised Andrews that his client Oswald had been shot.

ON NOV. 25TH, 1963, Andrews advised the local F.B.I. office that Oswald had been in his office that summer. He was interviewed that day by two agents—"feebees," as Andrews calls all F.B.I. agents. In the course of explaining his relationship with Oswald, Andrews could not resist informing the agents that he had been "asked" to defend him in Dallas.

"Who asked you?" inquired the agent.

In fact, no one had asked him. He had asked Davis. Once, several years previously, an acquaintance had introduced Davis to Andrews at an affair that Andrews termed a "fag wedding reception," unaware that the two were longtime friends. Davis was introduced to Andrews as "Clay Bertrand." People in "gay" circles frequently hide their true identity to outsiders, as well as to each other. Andrews had laughed and said, "That's not Clay Bertrand. That's Gene Davis."

Now Andrews had no desire to direct the F.B.I. to Davis.

"His name is Clay Bertrand," said Andrews.

Andrews did finally tell the F.B.I. that Bertrand was a figment of his imagination.

By and large, Garrison received little information from Andrews that was not contained in the Commission Report. Garrison was primarily interested in the names of some of the "Mexicanos" or other Latins who were seen by Andrews in the company of Oswald.

The two men met on a number of occasions throughout November and into December. Andrews could furnish Garrison with no more information concerning the mysterious Clay Bertrand than was available in the Commission Report.

Finally, however, pressed by Garrison for names of the Latin companions of Oswald, Andrews reached into the blue and replied:

"Manuel Garcia Gonzales."

Garrison promptly charged one Manuel Garcia Gonzales with selling narcotics, an extremely serious offense under Louisiana law. Of course, there was no evidence of any offense, and not the slightest conception as to who Manuel Garcia Gonzales might be.

Shortly thereafter Garrison and Andrews again met and Garrison informed his friend that Manuel Garcia Gonzales had been arrested in Miami. As Andrews was further to explain to a television audience, he didn't know which Manuel Garcia Gonzales had been arrested in Miami, but if it was the same one that he, Andrews, had mentioned to Garrison, then Garrison "had the right ha ha, but the wrong ho ho."

Garrison was to become convinced that Manuel Garcia Gonzales was one of the assassins in Dallas and, apparently, for a time believed that he was the leader of the group and the prime culprit. Writing for Tempo magazine, an Italian publication, in April, 1967, Garrison stated he would gladly give up Clay Shaw if he could but get hold of the true assassin—Manuel Garcia Gonzales.

BUT WHO was Clay Bertrand? The question intrigued Garrison. Bertrand must be located. There were certain clues. He lived in the French Quarter. He spoke Spanish. He was well known to many deviates. Who, Garrison asked his staff lived in the French Quarter, and spoke Spanish? He would, perhaps, be someone well known, for he seemed to be a leader in "gay" circles.

"Clay Shaw," said one of Garrison's assistants.

The assistant was joking; Garrison was deadly serious.

Clay Shaw not only had the same first name as the mysterious Bertrand, but he did, indeed, speak Spanish. He did have a fine house in the New Orleans French Quarter and the nature of the acquaintances of the fifty-four-year-old bachelor had, at times, been the subject of idle gossip.

Shaw is widely liked and respected. He has served on numerous civic boards or agencies. He was a close friend of the late Mayor de Lesseps S. Morrison. Those close to him state that he is liberal in view with regard to politics and an admirer of the late President Kennedy.

Like Garrison, he is tall, 6 feet 4 inches, dignified, and distinguished in appearance. Like Garrison, it is hard to mistake the sharp-featured, silver-haired Shaw for anyone else.

In December, Shaw was asked to come into Garrison's office and was thereupon questioned extensively. He had assumed initially that the basis for the questioning was the distribution by Oswald on August 16th, 1963, of pro-Castro leaflets in front of the Trade Mart Building at Camp and Common Streets. Oswald and his companion had left before Shaw arrived on the scene and he did not see Oswald at all.

SHAW WAS ADVISED by his interrogators that Oswald knew a "Clay" who lived in the French Quarter. Could it have been he? Shaw replied, as he was many times to state thereafter, that he did not know Oswald, had never seen him, and to his knowledge, did not know anyone who did.

Garrison again spoke to Dean Andrews. He had discovered Bertrand's identity. It was Clay Shaw. Could he, Andrews, identify Clay Shaw as the Clay Bertrand he knew? No, said Andrews, he could not. Garrison didn't believe him. He tried to inspire his reluctant friend. According to Andrews, he said, "We will ride to glory together." Andrews still balked. "We have other witnesses who can identify him," said Garrison.

Andrews' version of his subsequent conversations with the D.A. is that he agreed with Garrison that while he would not identify Clay Shaw as Bertrand, that he would not say that he was not Bertrand. As Andrews was later to tell it to me: "I never believed that Jim would go through with a frame-up."

Garrison would need investigative help and he turned to William Gurvich, one of three Gurvich brothers making up the Gurvich Detective Agency, an established and reputable firm. No investigator worth his salt was going to turn his back on the opportunity to assist in gathering evidence that would convict the murderers of President Kennedy. And if Garrison said that he was solving the as-

sassination, who was Gurvich to doubt it. Garrison was, after all, the District Attorney and could not make such statements unless some proof existed.

And Garrison was indeed well on his way to "solving the assassination." And the solution?

The pro-Castro activity of Oswald was a sham as was his entire purported Marxist orientation. He was, in truth, working with the anti-Castro Cubans, deliberately trying to disguise himself as a Marxist so that the Marxists and Communists would receive the blame for the deed that was plotted by his right-wing friends.

The motive for the assassination? The Cubans, who, according to Garrison, were actively and vigorously training throughout 1962 and 1963 for an invasion of their homeland, felt themselves betrayed by Kennedy's avowed peaceful intentions toward Cuba and his detente with world Communism, including Premier Castro. Thereafter, according to the D.A., their wrath was turned toward Kennedy and his doom was sealed.

THERE WERE, to be sure, several problems. One was the question of dates. The activity of the Cubans and their frequency of the building at 544 Camp, according to the evidence at hand, had occurred in 1961 and had terminated by February, 1962. Arcacha Smith left New New Orleans about eight months later, and it had never been established that he ever returned. Oswald was not in New Orleans at all in 1961 or 1962. He had been in Russia since 1959. Upon his return to the United States in June, 1962, he lived in Fort Worth and Dallas until his move to New Orleans in late April, 1963. The Warren Commission, after an exhaustive investigation, could find nothing to connect Oswald to the Camp Street address even in 1963.

NEXT — Garrison develops the assassination plot but finds reliable witnesses hard to come by.